



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
DETERMINATION OF NON-SIGNIFICANCE BY
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2407066
Applicant Name : Seattle Department of Parks and Recreation
Address of Proposal: 4351 Palatine Ave. N.

SUMMARY OF PROPOSED ACTION

Master Use Permit to demolish three existing single family residences and backfill foundation areas with 435 cubic yards of material in an environmentally critical area and establish use as a park. A Determination on Non-Significance was issued by the Seattle Parks and Recreation Department on December 8, 2004.

The following approval is required:

SEPA – For conditioning only pursuant to Seattle’s SEPA policies. Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS* ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
another agency with jurisdiction.

* Environmental Documents and SEPA Threshold Decision done by Seattle Department of Parks and Recreation.

BACKGROUND DATA

Site Location: The proposal site consists of three parcels in the Fremont/Phinney area of Seattle.

Zoning: SF 5000

Parcel Size: 24,427 sq. ft.

Existing Use: Three single family residences.

Proposal Description: The proposal site has been purchased by the City of Seattle to be developed as a small, neighborhood park with a territorial view. Demolition of each of the three wood frame houses (about 1,000 sq. ft. each) is proposed. Approximately 435 cu. yds. of granular fill and top soil would be replaced on the site and hydroseeding and landscaped planting would be take place. Best management practices during demolition would be utilized to control erosion.

Public Comment: The SEPA comment period ran from January 13th to January 26, 2005. Two written comments were received. One expressed excitement at the prospect of the new park and open space in the neighborhood. Another, from an adjoining property owner, expressed concern over slope stability, asked that the existing sewer lines “be capped or removed and not left for further development.”

ANALYSIS – SEPA

Environmental impacts of the proposal have been analyzed in environmental documents prepared by the Seattle Parks and Recreation Department. These include a SEPA Checklist dated November 23, 2004 and a Determination of Non-Significance issued by the Seattle Department of Parks and Recreation dated December 8, 2004.

Seattle Municipal Code (SMC) Section 25.05.660 provides that proposals can be conditioned or denied in order to mitigate environmental impacts. All conditions must be related to impacts identified in the environmental documents, based on adopted policies, and must be reasonable and capable of being accomplished. This proposal is reviewed under that substantive SEPA authority.

Disclosure of the potential environmental impacts from this project was made in the environmental documents listed above. This information, supplemental information provided by the applicant (plans, written descriptions of the project, environmental documents), and the experience of this agency with review of similar projects form the basis for this analysis and conditioning.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part:

“where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations).”

Under certain limitations/circumstances, (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Air Quality

Demolition, grading and construction activities each may create adverse air quality impacts in the surrounding area. The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. A PSCAA permit is required for the removal of hazardous materials such as asbestos. The Seattle Stormwater, Grading and Pollution Control Ordinance regulate on-site grading activities and require that soil erosion control techniques be initiated for the duration of the work.

Existing regulation is sufficient to control short-term air quality impacts. In order to be certain that PSCAA reviews the proposed demolition it is necessary to file a Notice of Intent to demolish with that agency. A condition of this MUP will be to file a PSCAA notice prior to issuance of a demolition permit by DPD.

Construction Noise

There will be some grading required to prepare the building site as well as other noise generating construction activities. Due to the proximity of residentially zoned areas in relation to the proposal site, the limitations of the Noise Ordinance appear to be inadequate to protect the residential neighborhood. To minimize construction noise impacts to residential neighborhoods, DPD has conditioned projects of a similar scale to limit hours of construction to 7:00 a.m. to 6:00 p.m. on weekdays and to 9:00 a.m. to 5:00 p.m. on Saturdays. This condition has been successfully applied in the past and will be imposed here.

The Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues, or which could substantially shorten the total construction time frame, may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to approve waivers of this construction hour's restriction. Such waivers must be approved by the Department on a case-by-case basis prior to such work.

Soil Stability

Environmentally critical areas on the site indicate a potential for land sliding. Removal of the three existing structures is not expected to increase the landslide potential of the site. A memo in the DPD

project file from Mr. Mark Orth a professional engineer with the Parks Department indicates that filling the basements of the houses to be demolished is not expected to decrease slope stability. Mr. Orth also indicates "care should be taken in the future design to insure the regarded site does not surface drain into the sloped area." DPD review of this proposal included that of a geotechnical reviewer who has approved the proposal. It does not appear that conditioning of this proposal pursuant to SEPA policies for soil stability is warranted.

CONDITIONS - SEPA

Prior to Construction or Grading Permit Issuance

1. File a Notice of Intent to Demolish with PSCAA.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

2. Construction activities, other than those taking place within the enclosed building, are limited to the hours of 7:00 a.m. to 6:00 p.m. on non-holiday weekdays and to 9:00 a.m. to 5:00 p.m. on Saturdays.

It is recognized that there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues may need to be completed after regular construction hours as conditioned herein. Therefore, the Department reserves the right to approve waivers of this construction hour's restriction. Such waivers must be requested at least three business days in advance, and approved by the Department on a case-by-case basis prior to such work.

Signature: _____ (signature on file) Date: March 17, 2005
Scott Kemp, Senior Land Use Planner

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